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6 Attorneys for Plaintiffs JAREK MOLSKI  
7 and DISABILITY RIGHTS ENFORCEMENT,  
8 EDUCATION SERVICES

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 JAREK MOLSKI, an individual; and ) CASE NO. C04-4451 PVT  
12 DISABILITY RIGHTS ENFORCEMENT, )  
EDUCATION, SERVICES:HELPING )  
YOU HELP OTHERS, a California public )  
benefit corporation, )  
13 Plaintiffs, )  
14 v. )  
15 JACK LONDON'S BAR & GRILL; )  
16 CARMEL CHILI COMPANY, INC., )  
17 Defendant. )  
18

STIPULATION AND [PROPOSED]  
ORDER GRANTING PLAINTIFFS LEAVE  
TO AMEND THE COMPLAINT

19 IT IS HEREBY STIPULATED by the parties hereto that plaintiffs may file the Second  
20 Amended Complaint attached hereto as Exhibit "A". Since service of the first amended  
21 complaint herein, plaintiffs have learned that Nancy Moresco was improperly named in her  
22 individual capacity in the first amended complaint. Rather, Ms. Moresco's interest in the  
23 subject property is as trustee of the William J. Moresco and Nancy J. Moresco Trust.  
24 Plaintiffs' Second Amended Complaint corrects the capacity in which Nancy Moresco is  
25 named as a defendant to this action.

26 Since service of the first amended complaint, plaintiffs have also learned of third  
27 interested party to this action—the George Edward Boutonnet Family Revocable Inter Vivos  
28 Trust dated March 10, 1999. According to property records obtained with information

1 provided by counsel for Ms. Moresco, it appears that the George Edward Boutonnet Family  
2 Revocable Inter Vivos Trust dated March 10, 1999 holds a 56% interest in the subject real  
3 property, and is accordingly, a proper party to this litigation. Therefore, plaintiffs' proposed  
4 Second Amended Complaint adds George Edward Boutonnet and Jean Boutonnet in their  
5 capacities as trustees of the George Edward Boutonnet Family Revocable Inter Vivos Trust  
6 dated March 10, 1999, as defendants to the action.

7 IT IS FURTHER STIPULATED that counsel for defendants Carmel Chili Company,  
8 Inc., dba Jack London's Bar & Grill, and Nancy Moresco will accept notice and service by  
9 mail of the Second Amended Complaint. Further, defendant Carmel Chili Company, Inc.,  
10 shall not be required to answer the amendment. All denials, responses and affirmative  
11 defenses contained in the answer filed by defendant Carmel Chili Company, Inc., to the  
12 original complaint shall be responsive to the amended complaint. Defendant Nancy Moresco,  
13 in her capacity as trustee of the William J. Moresco and Nancy J. Moresco Trust shall file a  
14 Answer or other responsive pleading no later than twenty (20) days from the date of mail  
15 service of the amended complaint.

16 IT IS FURTHER STIPULATED that this stipulation may be signed in counterparts and  
17 sent by facsimile with the same force and effect of an original signature.

18 Dated: April 13, 2006

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

20 By: \_\_\_\_\_ /s/  
21 Jennifer L. Steneberg  
22 Attorneys for Plaintiffs JAREK MOLSKI and  
23 DISABILITY RIGHTS ENFORCEMENT, EDUCATION,  
SERVICES:HELPING YOU HELP  
OTHERS, a California public benefit corporation

24 Dated: April 11, 2006

HUGO TORBET, ATTORNEY AT LAW

26 By: \_\_\_\_\_ /s/  
27 Hugo Torbet  
28 Attorney for CARMEL CHILI COMPANY, INC., dba  
JACK LONDON'S BAR & GRILL

1 Dated: April 10, 2006

NOLAND, HAMERLY, ETIENNE & HOSS

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By: /s/  
Kirk R. Wagner  
Attorneys for Defendant NANCY MORESCO

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6 **ORDER**

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IT IS SO ORDERED.

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9 Dated: 4/14, 2006

*Patricia V. Trumbull*  
10 Hon. Patricia V. Trumbull  
11 UNITED STATES MAGISTRATE JUDGE

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